IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6773 of 2005

Between:

Govindu, S/o. Keshappa,
APSTRC, Shadnagar Bus Depot,

Mahabubnagar District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Shadnagar Bus Depot,
Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in imposing the punishment of deferment of annual increment for a period of 6 months which shall have effect on petitioners future increments as illegal, arbitrary, unjust and unreasonable and violative of principles of natural justice and also contrary to the judgments of this Hon'ble Court and apex Court by setting aside the final order No.02/95(26)/98-SDNR dt.28-05-1998 of the respondent herein and consequently direct the respondent to add the deferred increments and pass such other order or orders.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondent in imposing penalty vide proceedings No.02/95(26)/98-SDNR dated 28.05.1998, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged for certain irregularities. He submitted his explanation. The respondent passed an order on 28.05.1998 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of six months, which shall have effect on future increments of the petitioner. Hence the writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of penalty of deferment of annual increment for a period of six months with cumulative effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual

increment for a period of six months without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

Dated: 30.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Shadnagar Bus Depot, Mahabubnagar District

2. Two CD copies

*Form-NIC-OGS/WP{**BJPR**}*